

SECTION 12.65 GENERAL ARTICLE
Last Update: 5/11

Obligation to Bargain

This section establishes the fact that the provisions of the agreement supersede rules of the Department of Administrative Services – Human Resources Enterprise (DAS-HRE) for any subjects contained in the agreement. Further, this section states that both parties to the agreement exercised their rights to negotiate any proper subject of collective bargaining that was not barred by law. By this agreement, both parties have agreed that they would not be required to enter into subsequent negotiations during the life of the agreement on anything that is not specifically referenced in the agreement even though the subject may have been overlooked at the time of negotiations.

Retention of Benefits

The essential feature of this section prohibits change in a written agency-wide policy covering a mandatory subject of bargaining not included in the agreement if the effect of such change results in deterioration of a benefit. The key words in this section are that “retention of benefits” applies only to written agency-wide policies. DAS-HRE will meet and confer with the union in an attempt to reach an agreement on whether an issue is a subject of mandatory bargaining before making a change in any written agency-wide policy.

The question of what is a mandatory subject of bargaining or whether there has been a deterioration of an existing benefit must be handled at by DAS-HRE, not by local supervisors or administrators.

Savings Clause

In the event any article, section, or portion of the contract is held to be invalid and unenforceable by law or a tribunal of competent jurisdiction, only that portion of the agreement will be invalidated. The remainder of the contract remains in effect. The invalid portion of the agreement will be immediately renegotiated by the State and the union.